

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

LANTHEUS MEDICAL IMAGING, INC.,

Plaintiff,

v.

ZURICH AMERICAN INSURANCE
COMPANY,

Defendant.

Case No. 10 Civ. 9371 (LTS) (JLC)

ECF CASE

**SUPPLEMENTAL DECLARATION OF RUKESH A. KORDE IN FURTHER
SUPPORT OF PLAINTIFF LANTHEUS MEDICAL IMAGING INC.'S
MOTION FOR ISSUANCE OF AMENDED LETTERS ROGATORY**

Rukesh A. Korde hereby declares as follows:

1. I am an attorney admitted to practice in the District of Columbia, and have been admitted *pro hac vice* to the United States District Court for the Southern District of New York for the purposes of the above-captioned case. I am Special Counsel at the law firm of Covington & Burling LLP of Washington, D.C. My firm represents plaintiff Lantheus Medical Imaging, Inc. ("Lantheus") in the above-captioned matter. I am competent to testify to the matters set forth herein.

2. I am familiar with the matters set forth herein based upon my personal knowledge and make this Supplemental Declaration in further support of Lantheus Medical Imaging, Inc.'s Motion for Issuance of Amended Letters Rogatory.

3. Attached as Exhibit 1 to this Declaration is a true and correct copy of an Order dated June 13, 2003 in *E-BEAM Services, Inc. v. AECL Technologies, Inc.*, No. 02-2256 (D.N.J. May 14, 2003).

4. Attached as Exhibit 2 to this Declaration is a true and correct excerpt from the Official Report of the December 11, 2007 *Canadian House of Commons Debate*.

5. Attached as Exhibit 3 to this Declaration is a true and correct copy of a press release issued by the Society of Nuclear Medicine (“SNM”) on September 9, 2009.

6. Attached as Exhibit 4 to this Declaration is a true and correct copy of a letter from Atomic Energy of Canada Limited (“AECL”) to Brett Harrison dated September 16, 2011.

7. Attached as Exhibit 5 to this Declaration are excerpts of the heavily redacted materials provided to Lantheus by AECL, bearing the bates numbers LAN-AECL001142 through LAN-AECL001149 and AECL001166 through LAN-AECL001187.

8. Attached as Exhibit 6 to this Declaration are excerpts of the heavily redacted materials that Lantheus understands AECL provided to Zurich American Insurance Company, bearing the bates numbers AECL 00063 through AECL 00067.

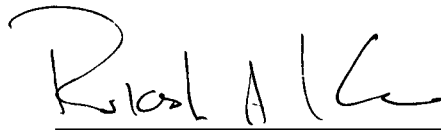
9. Attached as Exhibit 7 is a copy of Amicus Curiae Atomic Energy of Canada Limited’s Memorandum of Law in Response to Plaintiff’s Motion for Issuance of Amended Letters Rogatory, highlighted to show the portions that plaintiff requests be stricken from the record.

10. Attached as Exhibit 8 is a copy of the Declaration of Daniel M. Krainin, dated September 16, 2011, highlighted to show the portions that plaintiff requests be stricken from the record.

11. Attached as Exhibit 9 is a copy of the Declaration of Ivan G. Whitehall, dated September 15, 2011 highlighted to show the portions that plaintiff requests be stricken from the record.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 23, 2011



Rukesh A. Korde